

Exhibit 2

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MICROSOFT CORPORATION

7 **RECEIVED**

8 *W*OCT 28 2002

UNITED STATES DISTRICT COURT

9 RICHARD W. WIEKING
10 CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

11
12 INTERTRUST TECHNOLOGIES
CORPORATION, a Delaware corporation,

13 Plaintiff,

14 v.
15 MICROSOFT CORPORATION, a
16 Washington corporation,

17 Defendant.

Case No. C 01-1640 SBA (MEJ)

[PROPOSED] ORDER GRANTING,
IN PART, MICROSOFT'S MOTION
FOR A PARTIAL STAY

Defendant's Counsel are directed to serve this
order upon all other parties in this actions.

18 AND RELATED CROSS-ACTION.

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Having considered Defendant Microsoft's Motion for Partial Stay, the supporting and opposing papers, the pleadings and papers on file with the Court, the evidence presented by counsel, oral argument by counsel, and good cause appearing therefor,

IT IS HEREBY ORDERED that Microsoft's motion is GRANTED, IN PART, AS FOLLOWS:

The parties have selected the following 12 claims for limited Markman claim construction and indefiniteness proceedings:

- U.S. Patent No. 6,185,683 – claim 2
- U.S. Patent No. 6,253,193 – claims 1, 11, 15, 19
- U.S. Patent No. 5,920,861 – claim 58
- U.S. Patent No. 5,892,900 – claim 155
- U.S. Patent No. 5,982,891 – claim 1
- U.S. Patent No. 5,917,912 – claims 8, 35
- U.S. Patent No. 6,157,721 – claims 1, 34

The Court shall schedule the hearing on Microsoft's anticipated motion for partial summary judgment of indefiniteness (limited to all or some of these 12 claims) to coincide with the Markman hearing on these 12 claims.

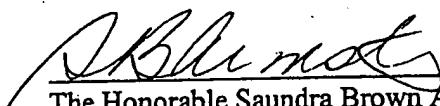
All proceedings (including all discovery) unrelated to the claim construction and alleged indefiniteness of these 12 claims shall be stayed pending the Court's ruling on these issues.

The relatedness of discovery requests to the limited Markman and indefiniteness proceedings shall be construed broadly and both parties are ordered to make every effort to permit discovery, otherwise relevant and discoverable under the Civil Rules, that is colorably related to or likely to assist in developing issues affecting the claim construction and/or indefiniteness of the 12 claims selected by the parties. For example, at the hearing counsel represented that they would not object to discovery directed to the use, by either party, of claim terms selected to be construed at the limited Markman hearing, as well as technical documents mentioning those claim terms. However, the failure to object to such discovery shall not be construed as an admission of

1 the admissibility or relevance of that material, nor shall it be considered a waiver of the right to
2 contest its admissibility for any purpose.

3 This partial stay is granted pursuant to the Court's broad powers of case
4 management, including the power to limit discovery to relevant subject matter and to adjust
5 discovery as appropriate to each phase of litigation as set forth by the Federal Circuit in *Vivid*
6 *Technologies, Inc. v. American Science & Engineering, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999),
7 and pursuant to Federal Rules of Civil Procedure 16(b), (c); 26(b); 42(b).

8 Dated: 11-1, 2002

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10 The Honorable Saundra Brown Armstrong

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DECLARATION OF SERVICE VIA ELECTRONIC MAIL AND U.S. MAIL

I am more than eighteen years old and not a party to this action. My place of employment and business address is 1000 Marsh Road, Menlo Park, California 94025.

On November 6, 2002, I served:

ORDER GRANTING, IN PART, MICROSOFT'S MOTION FOR A PARTIAL STAY

By transmitting a copy of the above-listed document(s) in PDF form via electronic mail Michael H. Page at mhp@kvn.com, Steven H. Morrisett at steven.morrisett@finnegan.com, Stephen E. Taylor at staylor@tcolaw.com and James E. Geringer at james.geringer@klarquist.com and also by placing true and correct copies of the above documents in an envelope addressed to:

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CORPORATION

22 and sealing the envelope, affixing adequate first-class postage and depositing it in the U.S. mail at Menlo Park, California.

Executed on November 6, 2002 at Menlo Park, California.

I declare under penalty of perjury that the foregoing is true and correct.

ANNA FREDDIE